Remarks/Arguments

Claims 1, 2, 4-8, 10, and 16-20 are currently pending in the instant application. It is applicants' understanding that the Examiner will rejoin process and method claims 16 and 18-20 for examination. Applicants wish to thank the Examiner for withdrawing the previous grounds over which the claims were rejected.

Claim Rejections – 35 USC 112

(i) The Examiner has rejected claim 16 under 35 USC 112 first paragraph for failing to comply with the written description requirement on the grounds that the term "activated derivative" of an acid of the formula (2) is not defined in the specification and is not sufficiently enabled.

Applicants respectfully submit that this term is both clear and enabled in view of the discussion in the specification (see, for example, page 28, lines 7-15 of the published PCT specification and the examples of suitable activated derivatives contained therein combined with the common general knowledge in the art. However, in order to expedite prosecution, applicants have removed this term and replaced it with "or an acid halide or ester thereof", the basis for which can be found on page 28, lines 7-8 of the published PCT specification. Applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

The Examiner has also rejected claim 16 under 35 USC 112 second paragraph. The Examiner stated that "the 'activated derivative' of an acid of the formula (2) in claim 16 is not defined in the claims so as to know the metes and bounds of the claims. Therefore, the claims are indefinite." Applicants believe that their above-described amendment to claim 16 have sufficiently addressed this ground of rejection, and respectfully request that the Examiner reconsider and withdraw this ground of rejection.

(ii) With reference to the rejection of claim 18 under 35 USC 112, first paragraph for lack of enablement, applicants respectfully disagree with the Examiner's assertion that the specification fails to provide sufficient support for the broad use of the compounds of the invention in a method of producing a glycogen phosphorylase inhibitory effect.

Not only are test assays and procedures for determining glycogen phosphorylase inhibitory activity provided in the specification (at pages 36-37), as the Examiner acknowledges, but typical IC_{50} values for compounds of the invention when tested in these assays are also provided (see

page 37, lines 16-17) together with specific results for selected representative compounds (see page 37, lines 17-18). Based on the information provided in the specification, applicants submit that the average skilled man would therefore have no difficulty in determining that the compounds of the invention would have the claimed utility without undue experimentation. It is applicants' contention that the requirement to provide in vivo data is unfounded given the clear evidence, based on in vitro evidence, contained in the specification. Applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

A petition for a 3 month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101181-1P US

Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101181-1P US

Respectfully submitted,

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